

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Amber Doolen

v.

Civil No. 12-cv-384-JD

Best Buy Stores, LP
d/b/a Best Buy

O R D E R

Amber Doolen brought suit in state court, alleging that her former employer, Best Buy, discriminated against her based on her sex by subjecting her to sexual harassment by a fellow employee and by retaliating against her when she reported the harassment. Best Buy removed the case to this court, asserting that Doolen raised claims under both state law and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2002, et. seq., which supported federal question jurisdiction under 28 U.S.C. § 1331. Doolen moved to remand the case on the ground that she did not allege claims under Title VII and that references in the complaint to Title VII were merely to describe "the categories of discrimination," obviating any basis for federal question jurisdiction.

In response, Best Buy acknowledges that without a Title VII claim, federal question jurisdiction is lacking. Best Buy also states that Doolen has agreed to withdraw that part of her motion to remand that seeks an award of fees and costs. Based on those circumstances, Best Buy assents to remand.

Conclusion

For the foregoing reasons, the plaintiff's motion to remand (document no. 4) is granted except as to the request for fees and costs, which is denied.

The case is remanded to Grafton County Superior Court.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

November 7, 2012

cc: Mark D. Attorri, Esq.
Linda B. Sullivan Leahy, Esq.